

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

UNITED STATES OF AMERICA,	- - -	Case Number 1:15-CR-118
Plaintiff,	.	
	.	Change of Plea Hearing
	.	
- v -	.	
CODY LEE JACKSON,	.	Friday, May 5, 2017
	.	1:00 p.m.
Defendant.	.	
	.	Cincinnati, Ohio

TRANSCRIPT OF PROCEEDINGS  
BEFORE THE HONORABLE MICHAEL R. BARRETT

For the Plaintiff:

CHRISTY L. MUNCY, ESQ. (AUSA)  
United States Attorney's Office  
221 East Fourth Street, Suite 400  
Cincinnati, Ohio 45202

For the Defendant:

CANDACE C. CROUSE, ESQ.  
Pinales Stachler Young Burrell & Crouse  
455 Delta Avenue, Suite 105  
Cincinnati, Ohio 45226

STEPHEN J. WENKE, ESQ.  
36 East Seventh Street  
Suite 2020  
Cincinnati, Ohio 45253

RAVERT J. CLARK, ESQ.  
114 East Eighth Street  
Cincinnati, Ohio 45202

Also Present: F.B.I. Special Agent Pamela S. Kirschner  
Officer Beth Roach, Blue Ash Police

Courtroom Deputy: Barbara A. Crum

Court Reporter: Maryann T. Maffia, RDR

P R O C E E D I N G S

COURTROOM DEPUTY: On the docket is District Court Case Number 1:15-CR-118: *United States of America versus Cody Lee Jackson*.

We're here this afternoon for a change of plea.

THE COURT: Okay. You guys can be seated. Counsel want to enter their appearances for the record, please.

MS. MUNCY: Good morning, Your Honor. Christy Muncy on behalf of the United States. Also seated at counsel table is Special Agent Pamela Kirschner with the F.B.I. and Officer Beth Roach with the Blue Ash Police Department.

THE COURT: Okay.

MS. CROUSE: Candace Crouse on behalf of Cody Jackson, Your Honor.

MR. WENKE: Steve Wenke, also on behalf of the defendant.

THE COURT: Cody, how you doing today?

THE DEFENDANT: Good, Your Honor.

THE COURT: Okay. I know from prior meetings we've had that you did receive a copy of the Indictment, and you had a chance to go over that, right?

THE DEFENDANT: That's correct.

THE COURT: And you and Candace and Steve have discussed that, right?

THE DEFENDANT: Yes, Your Honor.

1           THE COURT: And they explained to you the nature and  
2 the meaning of the charges that were set forth in that  
3 Indictment, right?

4           THE DEFENDANT: Yes.

5           THE COURT: And then usually what happens is, the  
6 prosecution, in this case Miss Muncy, would give your lawyers  
7 information that she tells them that, if there were a trial in  
8 the case, she would attempt to get into evidence to try to  
9 seek a conviction, right? So they told you about what kind of  
10 evidence was stacked up against you?

11          THE DEFENDANT: Yes.

12          THE COURT: And based upon that conversation, did you  
13 guys discuss if there were any possible defenses to the  
14 charges or if the smartest thing to do was to attempt to  
15 negotiate some kind of a plea arrangement in this matter?

16          THE DEFENDANT: Yes.

17          THE COURT: So you want to negotiate a plea  
18 arrangement, right?

19          THE DEFENDANT: Yes, Your Honor.

20          THE COURT: All right.

21          Based upon that, I'm going to ask counsel if they wish to  
22 make a motion regarding a change of plea at this time.

23          MS. CROUSE: Yes, Your Honor. At this time, we would  
24 move to withdrew our previously tendered plea of not guilty  
25 and to enter a plea of guilty to Count One of the Indictment

1 in this case.

2 THE COURT: So, Cody, just to verify, you wish to  
3 withdraw the previously entered plea of not guilty, as stated  
4 by Candace, and enter a plea of guilty to Count One of the  
5 Indictment; is that correct?

6 THE DEFENDANT: Yes, Your Honor.

7 THE COURT: All right. And I'll ask you at this  
8 time: How do you wish to plea to the charge in Count One of  
9 the Indictment, guilty or not guilty?

10 THE DEFENDANT: Guilty, Your Honor.

11 THE COURT: Okay. Before I accept the plea and move  
12 any further in the case, I have to make sure of two things:  
13 number one, that you understand the constitutional rights to a  
14 trial and the rights associated with that that you would be  
15 giving up if we move forward with the plea arrangement; then  
16 the second item is, I need to discuss the plea arrangement  
17 with you just to make sure you understand it.

18 Fair enough?

19 THE DEFENDANT: Yes, Your Honor.

20 THE COURT: All right. To ensure truthful answers,  
21 Miss Crum is going to administer an oath or affirmation to  
22 you, which means that if you were to tell me something that  
23 was a falsehood, Miss Muncy could bring a charge of perjury  
24 against you because you're under oath. But there's no trick  
25 questions; we're just talking about your rights and the Plea

1 Agreement. Fair enough?

2 THE DEFENDANT: Yes, Your Honor.

3 THE COURT: Okay.

4 Barb?

5 (The defendant was duly sworn by the courtroom deputy.)

6 THE COURT: So, Cody, where did you grow up?

7 THE DEFENDANT: Wisconsin Rapids, Wisconsin, Your  
8 Honor.

9 THE COURT: Okay. And when did you come to  
10 Cincinnati?

11 THE DEFENDANT: Um, it would have been at the  
12 beginning --

13 MR. WENKE: August of 2015.

14 THE COURT: Like I said, there's no trick questions,  
15 so I take that back.

16 (Laughter.)

17 THE DEFENDANT: Yeah. It was, like, August of 2015.

18 THE COURT: 2015?

19 THE DEFENDANT: In that area.

20 THE COURT: So whatever education you had would have  
21 occurred in Wisconsin or someplace else?

22 THE DEFENDANT: Yes.

23 THE COURT: And how far did you get in school?

24 THE DEFENDANT: Eleventh grade, I completed.

25 THE COURT: Okay. Any GEDs or anything after that?

1           THE DEFENDANT: No. I started it, just never got to  
2 finish it.

3           THE COURT: Okay. And the reason I ask is because  
4 I've already talked about two documents: one, the Indictment;  
5 and, two, the Plea Agreement. Were you able to read those  
6 documents? Are your skills sufficient to do that?

7           THE DEFENDANT: Yes, Your Honor.

8           THE COURT: Okay. So if you had questions about  
9 things that were in those documents like statutory language  
10 and stuff like that, any question, did you ask Candace or  
11 Steve and did they explain to you what those meant?

12          THE DEFENDANT: They did, Your Honor.

13          THE COURT: Okay. In terms of your understanding of  
14 the proceedings we're in today, have you had any kind of --  
15 are you on any kind of medication, alcohol, any type of drugs  
16 or anything that affects your ability to understand the  
17 proceedings?

18          THE DEFENDANT: I'm not, Your Honor.

19          THE COURT: Okay. Have you ever been treated for any  
20 kind of mental illness or substance abuse such that either the  
21 current condition of one of those items or residual effects of  
22 one of those items or treatment of one of those items affects  
23 your ability to understand what we're talking about today?

24          THE DEFENDANT: They don't, Your Honor.

25          THE COURT: Candace or Steve, do either one of you

1 two want to just, without waiving any attorney-client  
2 privilege, just discuss the types of conversations you've had  
3 with Cody leading up to today and whether or not you believe  
4 he is competent to enter a knowing, intelligent, and voluntary  
5 plea?

6 MS. CROUSE: Your Honor, we spent a lot of time going  
7 over all of the discovery in this case with Cody. We've  
8 talked about possible defenses leading up to this plea. We  
9 talked about guidelines. So we've gone over everything very  
10 thoroughly with him. He has been very engaged in his defense,  
11 and we do believe that he is competent to enter a plea today.

12 THE COURT: Okay.

13 Cody, I mentioned I was going to discuss a couple of  
14 things with you, first your constitutional rights and then the  
15 agreement itself. If we go through with the Plea Agreement,  
16 that indicates you are giving up your right to a trial by  
17 jury. But I just want to make sure that you understand that,  
18 if you wanted to, you could stand by the previously entered  
19 not guilty plea and demand a trial by jury. Do you understand  
20 that?

21 THE DEFENDANT: I do, Your Honor.

22 THE COURT: And you have the right to be represented  
23 at that trial. Steve or Candace would be with you throughout  
24 those proceedings. They would do a number of things, if we  
25 had a trial, to provide a defense for you. That would include

1 trying to restrict evidence that the government was able to  
2 produce during the course of the trial. They could make  
3 opening statements, closing arguments, a number of things like  
4 that. I think, perhaps, the most important thing that  
5 criminal defense lawyers do is anyone that would testify  
6 against you, they would try to shake or discredit their  
7 testimony on the witness stand by asking them questions in  
8 what we call cross-examination.

9 Are you generally familiar with that concept?

10 THE DEFENDANT: I am, Your Honor.

11 THE COURT: Okay. Another important right is that  
12 nobody can make you testify in a case. You have an absolute  
13 right not to testify, and not testifying cannot be held  
14 against you by the jury. The only way that Christy would ever  
15 get a chance to ask you questions would be if, in consultation  
16 with Steve and Candace, you decided it was smart to waive your  
17 right not to testify, you took the witness stand first, they  
18 would ask you questions, and only after that could Miss Muncy  
19 cross-examine you.

20 Do you understand that?

21 THE DEFENDANT: I do, Your Honor.

22 THE COURT: Okay. If you thought there were  
23 witnesses that could provide favorable evidence in the case  
24 and they could get them served with subpoenas, then the  
25 Marshal Service would make those people show up in court.



1 Okay?

2 The burden of proof in a criminal case is guilt beyond a  
3 reasonable doubt. That means the United States would have to  
4 establish these elements that you knowingly used and  
5 facilitated, by means of interstate commerce persuaded,  
6 induced, enticed or coerced an individual under 18 years of  
7 age to engage in prostitution or sexual activity, that you  
8 were aware that such person was less than 18 years of age, and  
9 that you could have been charged with a criminal offense from  
10 engaging in the specified activity.

11 Those are the elements they would have to prove to a jury  
12 beyond a reasonable doubt. Okay?

13 THE DEFENDANT: Yes, Your Honor.

14 THE COURT: Now, every time we have a trial in this  
15 courtroom, whether it's a civil case or a criminal case, every  
16 time we take a break, or nearly every time, I tell the jury  
17 important things. First, they're not to make up their mind  
18 during the course of the case itself. In other words, they  
19 are to keep an open mind throughout the proceedings. In order  
20 to determine what happened, at the end of the case, after  
21 they've heard all the evidence, all the arguments and the  
22 instruction of law by me, and only then are they to try to  
23 figure out what happened and work through it.

24 In a criminal case, I go a step further. And I say  
25 throughout that process they have to presume that Cody is

1 innocent unless the United States has overcome that burden of  
2 proof beyond a reasonable doubt, which means they have to  
3 presume you're innocent unless and until all 12 of them get in  
4 the back room, talk about it, and they decide if the United  
5 States has proven those elements beyond a reasonable doubt.  
6 Okay?

7 THE DEFENDANT: Yes, Your Honor.

8 THE COURT: All right. Are you willing to give up  
9 those rights and proceed with the plea arrangement that we've  
10 been talking about?

11 THE DEFENDANT: I am, Your Honor.

12 THE COURT: All right. So let's talk about the  
13 charge in the case. It's a violation of 18 U.S.C. 2422(b),  
14 which it basically is the coercion and enticement which is  
15 made up of the elements I just discussed.

16 The appropriate penalties in this case are a minimum of  
17 ten years imprisonment, and you could be facing up to a  
18 lifetime of imprisonment if convicted.

19 Do you understand that?

20 THE DEFENDANT: I do, Your Honor.

21 THE COURT: All right. Supervised release has to be  
22 at least a term of five years, and we'll talk about supervised  
23 release in more detail in a moment, and it could be up to  
24 life. Do you understand that?

25 THE DEFENDANT: I do, Your Honor.

1           THE COURT: There is a possible fine not to exceed  
2 \$250,000, but typically in a situation like this the fines  
3 don't occur, but that's a possibility. Do you understand  
4 that?

5           THE DEFENDANT: I do, Your Honor.

6           THE COURT: And in every criminal case where there is  
7 a count of conviction, there is a 100-dollar special  
8 assessment for any count. In this case, we're talking about  
9 one count, \$100. Okay?

10          THE DEFENDANT: Yes, Your Honor.

11          THE COURT: All right. And also there is forfeiture  
12 of improper material that is -- that could have been  
13 confiscated by the government during this case.

14          You have other state charges pending against you, which  
15 we'll talk about in a few moments. Okay?

16          THE DEFENDANT: Yes, Your Honor.

17          THE COURT: We'll talk about how those two things  
18 intersect in this particular situation.

19          Now, once the plea is accepted by me, that is the same as  
20 if you were found guilty of Count One by a jury. All right?  
21 Then we proceed with the sentencing at some point down the  
22 road.

23          Because this is a felony, there are certain things that  
24 may impact the rest of your life. Obviously, because of the  
25 nature of this offense, you're going to have reporting

1 registration requirements and things like that. I'm sure your  
2 lawyers have talked to you about that, right?

3 THE DEFENDANT: They have, Your Honor.

4 THE COURT: All right. Also because it's a felony --  
5 I don't know if you're a firearms or a gun person, but for the  
6 rest of your life you're going to be prohibited from ever  
7 possessing, using or owning a firearm or a dangerous ordnance.  
8 Okay?

9 THE DEFENDANT: Yes, Your Honor.

10 THE COURT: All right. It may also affect other  
11 things down the road if you're applying for benefits or  
12 employment or whatever comes up. If they ask you a question  
13 about it --

14 "Have you ever been convicted of a crime punishable by a  
15 year or more in prison?"

16 -- you're going to have to say yes. Okay?

17 THE DEFENDANT: Yes, Your Honor.

18 THE COURT: There may be a number of other things  
19 that impact your life based upon this, and I don't know what  
20 they all are, but I just want to make sure you're at least  
21 aware of those basics. Fair enough?

22 THE DEFENDANT: Thank you.

23 THE COURT: All right. Let's talk a little bit --  
24 Candace mentioned you had a discussion about the guidelines.  
25 Let's talk about that.

1        In 1984, Congress passed the Sentencing Reform Act. What  
2        they did was, they established guidelines for sentencing in  
3        criminal cases. That was reduced and has been modified  
4        several times over the years in this book called *United States*  
5        *Sentencing Commission Guidelines Manual*. The concept behind  
6        the manual was to do a number of things. One was to fashion  
7        appropriate sentences based upon the crime that's in play;  
8        also to take into account other factors, social history,  
9        background, things like that.

10       What happens at the end of this case is that the Probation  
11       Department will interview you, and your lawyer should be  
12       present when that interview occurs. They'll do sort of a  
13       social background, employment background, history, things like  
14       that. They'll also run your criminal record, if you have any;  
15       other than the state case, we already know about that.

16       They're also going to talk with Miss Muncy and perhaps the  
17       agent seated at the table. They're going to get their version  
18       of the events that happened in this case.

19       They take all that information, they digest it, and they  
20       put it in a report that's called a Presentence Investigation.  
21       That report in draft form goes out to the lawyers first before  
22       I ever see it. Sometimes, the lawyers have comments or  
23       objections to things that are in the report. Oftentimes, they  
24       can work that out with the Probation Department by talking  
25       with them. Sometimes they can't. If they can't, then they

1 file formal objections to the report that's actually sent to  
2 me after that initial process, and those objections we deal  
3 with at or before the time of sentencing.

4 Okay?

5 THE DEFENDANT: Yes, Your Honor.

6 THE COURT: All right. Now, up until about, I don't  
7 know, now it's about eight or nine years ago, if the Probation  
8 Department had done their homework correctly and calculated  
9 the guidelines correctly, I would be obligated to impose a  
10 sentence somewhere between the minimum and maximum range that  
11 they've calculated. All right?

12 Now, the Supreme Court says: Not so fast, that should be  
13 the starting point for judges. But if the judge thinks that  
14 the guideline calculation as it turns out is perhaps not as  
15 severe as it should be based upon all the facts and  
16 circumstances, I could impose a sentence which is more harsh  
17 or more severe than what was calculated as long as I could  
18 justify it in the record.

19 On the flip side of the fence, if I think the guideline  
20 calculation is inappropriately high for some reason, I can go  
21 below that as long as I can justify it in the record and don't  
22 go below any mandatory minimums.

23 All right? So I've got some discretion in that.

24 So what normally happens is, I take a look at the  
25 presentence investigation, I hear the arguments of the

1 lawyers, and I figure out what's going to happen. However, in  
2 this particular situation, called a (c)(1)C() plea  
3 arrangement, the lawyers have gotten together and they've  
4 agreed to recommend a sentence to me. In this case, the  
5 recommended sentence involves a range as well, as the  
6 guidelines do, of a term of imprisonment that was not less  
7 than 120 months, mandatory minimum, but also not more than 180  
8 months, which is obviously less than life. Right?

9 THE DEFENDANT: Yes, Your Honor.

10 THE COURT: Okay. So what happens is, I've taken a  
11 look at that recommendation. There is a second part. Because  
12 of the state court cases you have, which are B1405011 and  
13 B1504831, you're anticipating some type of a sentence from  
14 those cases as well, right?

15 THE DEFENDANT: I am, Your Honor.

16 THE COURT: Right. Okay. So everybody has agreed  
17 that the state court sentences should run concurrent with the  
18 federal court sentences, correct?

19 THE DEFENDANT: That's correct.

20 THE COURT: All right. Now, an agreed upon sentence,  
21 even though the lawyers agree on it, is not binding upon me.  
22 If for some reason I took a look at the presentence  
23 investigation and I thought "This is all wrong, I can't go  
24 along with the agreed upon sentence," we would be back at  
25 square one with a not guilty plea and trying to figure out

1 what happened. All right?

2 But you should know that since we've been doing agreed  
3 upon sentences like this, I've never refused to honor one  
4 because I believe it's fair for everybody to understand what's  
5 going on as they go into it. Okay?

6 THE DEFENDANT: Yes, Your Honor.

7 THE COURT: As long as you understand I don't have to  
8 follow it.

9 THE DEFENDANT: I do, yes, Your Honor.

10 THE COURT: All right. I mentioned supervised  
11 release, which I'm not sure --

12 Is there an agreement on that, guys? I can't remember.

13 MS. MUNCY: It's lifetime, Your Honor.

14 THE COURT: Okay. So --

15 MS. MUNCY: It's -- I'm sorry. It's paragraph 7(a)  
16 on page 3.

17 THE COURT: Okay. So what will happen is, you will  
18 be placed on supervised release for that period of time. If,  
19 depending on how things go, sometime down the road a lesser  
20 time is indicated, I can entertain a motion at that time,  
21 perhaps, depending on where everybody stands at that time,  
22 including the United States and your lawyers.

23 In any event, supervised release is a form of community  
24 control. I really can't recall what your record was, but if  
25 you have any --



1       Have you ever been on community control, probation,  
2 anything like that?

3               THE DEFENDANT: Only as a juvenile, Your Honor.

4               THE COURT: Okay. I mean, did you have to report to  
5 an officer, or how did that work?

6               THE DEFENDANT: I did briefly. It was for about a  
7 period of three months.

8               THE COURT: Okay. So what happens is, upon your  
9 release from the institution, within 72 hours you have to  
10 report to the Probation Department. An officer will sit down  
11 and go over the rules and regulations of supervised release,  
12 which are essentially the same as probation. They always  
13 include not committing any other federal, state or local  
14 offenses. In addition to the statutory ban, they also include  
15 not owning, using or possessing a firearm. Obviously, no  
16 illegal controlled substances and things like that.

17              There will be other conditions such as the registration  
18 and reporting requirements you may have, things like that.

19              If they determine that a mental health assessment is  
20 necessary and that there should be treatment, that's usually  
21 made a term of supervised release.

22              Likewise, if they figure out if there's any kind of  
23 alcohol or drug problems going on in your background, they can  
24 make assessment and treatment part of supervised release. And  
25 whatever other things they think are appropriate, I typically

1 sign off on. Okay?

2 THE DEFENDANT: Yes, Your Honor.

3 THE COURT: So that means that while you're on  
4 supervised release you're not in total control of your life;  
5 somebody is looking over your shoulder. If that person  
6 looking over your shoulder decides that you violated the terms  
7 of supervised release, they could do a couple of things.  
8 Oftentimes they just meet with you one on one and say, "Hey,  
9 what's going on? Can we straighten this out?" Sometimes you  
10 can, and sometimes you can't.

11 If you can't or if you pick up something like a new  
12 charge, they will file a formal violation report with me, we  
13 come back in court, and I hear evidence about the alleged  
14 violation. If I do, in fact, find you violated the terms of  
15 supervised release, then the ball is in my court to figure out  
16 what to do. Sometimes it can mean an extension of supervised  
17 release, which in this case, you know, you're already doing  
18 lifetime as we start out. But it could also mean I could send  
19 you back to prison for a period of time up to the term of  
20 supervised release. So I've got a fair amount of control for  
21 a fairly long period of time.

22 Are you all right with that?

23 THE DEFENDANT: I am, Your Honor.

24 THE COURT: Okay. In this particular situation in  
25 paragraph 10, then also contained on the Plea Agreement, the

1 County Prosecutor's Office has signed off on the concept of  
2 concurrent sentences. So you're aware of that, right?

3 THE DEFENDANT: I am, Your Honor.

4 THE COURT: Okay.

5 Christy, is there anything that if I've misstated what's  
6 contained in the Plea Agreement, can you straighten that out  
7 for the record, and can you place on the record any other  
8 items of the Plea Agreement you think are appropriate at this  
9 time?

10 MS. MUNCY: Yes, Your Honor. I don't think you've  
11 misstated anything. You've covered, in its entirety,  
12 paragraphs 1, 2, 3, 4 and 6, which are the Offense of  
13 Conviction, the Elements of the Offense, the Penalties, the  
14 Waiver of Rights, and the Applicability of the Advisory  
15 Sentencing Guidelines.

16 The additional items in the Plea Agreement are as follows,  
17 and I'll just briefly touch on each.

18 Mr. Jackson understands that he waives protection afforded  
19 to him by the Rules of Criminal Procedure, the Rules of  
20 Evidence, and the Sentencing Guidelines, and that any  
21 statements made during the course of plea discussions could be  
22 used against him.

23 The parties agree that the Statement of Facts set forth in  
24 Attachment A and incorporated as a part of the Plea Agreement  
25 are accurate.

1       The additional item to the agreed sentence is that  
2       Mr. Jackson agrees, in addition to the term of imprisonment of  
3       not less than 10 and not more than 15 years, which shall run  
4       concurrent with the state sentence, is that he will be  
5       sentenced to lifetime supervised release subject to all  
6       mandatory and special conditions that the Court may impose.

7       He further agrees to not have any contact with MV1 until  
8       she has reached the age of 18.

9       He agrees to waive or -- I'm sorry. He agrees to forfeit  
10      all property seized as a result of the investigation into his  
11      activities, and he waives and holds harmless the United States  
12      and its agents and employees harmless from any claims  
13      whatsoever in conjunction with the seizure, forfeiture, and  
14      disposal of the property seized.

15      The United States agrees not to further prosecute him for  
16      conduct prior to the date of this Plea Agreement that was part  
17      of the same course of criminal conduct described in the  
18      Indictment and known to the United States Attorney's Office.

19      The U.S. Attorney's Office further agrees to dismiss the  
20      single-count Indictment in Case Number 1:16-CR-003.

21      The Hamilton County Prosecutor's Office has agreed that  
22      once judgment is entered in this case, it will dismiss Case  
23      Number B166547, and further agrees that the sentences to be  
24      imposed for the counts that Mr. Jackson has pled guilty to  
25      will run concurrent to the sentence in this case.

1        Mr. Jackson waives his right to appeal. In exchange for  
2        the concessions made by the United States Attorney's Office in  
3        the Plea Agreement, the defendant waives the right to appeal  
4        the sentence imposed, except if the sentence imposed exceeds  
5        the statutory maximum or is outside the guidelines set forth  
6        in the Plea Agreement.

7        He also waives the right to attack his conviction or  
8        sentence collaterally, such as by way of a motion brought  
9        under Title 28 United States Code Section 2255 or 18 U.S.C.  
10       3582. However, this waiver shall not be construed to bar a  
11       claim by him of ineffective assistance of counsel or  
12       prosecutorial misconduct.

13       He agrees that he is not a prevailing party as these are  
14       used in the Hyde Amendment.

15       He waives all rights under the Freedom of Information Act  
16       related to this investigation and prosecution, and agrees not  
17       to file any requests for documents.

18       He understands that there are special conditions related  
19       to this offense, and he understands that he will be required  
20       to register under SORNA as a result of his conviction, and  
21       that he must register as a sex offender and keep such  
22       information current in the jurisdictions where he reside, is  
23       employed, or is a student.

24       He must update such registration not later than three  
25       business days after any change of his name, residence,

1 employment, or student status, or other relevant information.  
2 Failure to comply with those obligations would subject him to  
3 prosecution both federally and in the state.

4 He understands that during any term of supervised release  
5 he will be subject to special conditions which include, but  
6 are not limited to: restrictions or prohibitions of his  
7 computer usage; installation of monitoring software on any of  
8 his computers; prohibitions on his possessing any obscenity in  
9 any form; participation in recommended treatment programs;  
10 complete disclosure of any contact with minor children; among  
11 other restrictions and conditions which are reasonably related  
12 to his offense.

13 He understands that the Court may accept the plea, reject  
14 it, or defer a decision until after the Court has reviewed it.  
15 The Court has previously told Mr. Jackson what that entails.

16 He understands and agrees to abide by the terms of this  
17 agreement, and he understands that if he violates the  
18 agreement, the United States Attorney's Office will be  
19 relieved of all of its obligations under this agreement and  
20 may institute any charges or sentencing recommendations that  
21 would otherwise be prohibited by the agreement.

22 He acknowledges that he has read and understands this Plea  
23 Agreement and accepts the Plea Agreement knowingly and  
24 voluntarily, and it was not made as a result of any force,  
25 threats, or promises other than those promises contained in

1 the Plea Agreement.

2 This is a complete agreement between the parties. It  
3 supersedes all other promises, representations,  
4 understandings, or agreements between the parties. That was  
5 signed by all parties, in addition to the Hamilton County  
6 Prosecutor's Office, and made part of the record, Your Honor,  
7 as Document Number 42.

8 THE COURT: All right.

9 Candace or Steve, could you show Cody page 6 of the Plea  
10 Agreement?

11 Do you see that, Cody?

12 THE DEFENDANT: Yes, I do.

13 THE COURT: Your name is typed there, and above that  
14 appears to be your signature. Did you sign that?

15 THE DEFENDANT: I did, Your Honor.

16 THE COURT: Did you sign that document because that  
17 contains the entire understanding you and your lawyers have  
18 reached with the United States?

19 THE DEFENDANT: Yes, Your Honor.

20 THE COURT: All right. Now, other than the fact  
21 that, absent the Plea Agreement, both the State of Ohio and  
22 the United States could seek to prosecute you to the fullest  
23 extent of the law, did anybody levy any kind of force,  
24 pressure, or coercion on you such that this is not your own  
25 free and voluntary act?

1           THE DEFENDANT: They haven't, Your Honor.

2           THE COURT: All right. And other than the  
3 representations contained in the Plea Agreement involving  
4 yourself, the State of Ohio, and the United States as to the  
5 agreed upon sentence, did anybody make you any special  
6 promises outside of the Plea Agreement or tell you I'd treat  
7 the case a certain way just in order to get you to enter a  
8 plea?

9           THE DEFENDANT: They haven't.

10          THE COURT: So it's your own free and voluntary act,  
11 right?

12          THE DEFENDANT: It is, Your Honor.

13          THE COURT: Do you think that Candace and Steve have  
14 fully advised you of all the facts and circumstances, and Jay  
15 is in the courtroom as well, surrounding this situation? Are  
16 you satisfied with their advice and representation?

17          THE DEFENDANT: I am, Your Honor.

18          THE COURT: How do you want to handle the Statement  
19 of Facts?

20          MS. MUNCY: Your Honor, Special Agent Kirschner could  
21 read those, please.

22          THE COURT: Okay.

23          When you're ready, ma'am, just give us your name, spell  
24 your last name, then give us your duty assignment and then the  
25 facts.



1           SPECIAL AGENT KIRSCHNER: Pamela S. Kirschner,  
2 K-i-r-s-c-h-n-e-r. I'm an F.B.I. agent in the Cincinnati  
3 Division.

4           Statement of Facts. The United States and defendant, Cody  
5 Lee Jackson, stipulate and agree that if this case proceeded  
6 to trial, the United States would prove the facts set forth  
7 below beyond a reasonable doubt.

8           They further stipulate and agree that these are not all of  
9 the facts that the United States would prove if this case had  
10 proceeded to trial.

11          In February of 2015, while under local supervision in  
12 Hamilton County, Ohio, Jackson met MV1 through social media  
13 and began regularly communicating with her on the Internet.  
14 Jackson persuaded MV1, who lived in the Cincinnati area, to  
15 come to his apartment. Jackson and MV1 engaged in sexual  
16 intercourse while at Jackson's apartment, and elsewhere.  
17 Because Jackson was on state monitoring at the time, on  
18 occasion Jackson would have another person take MV1 to other  
19 locations, including Louisville, Kentucky, and Knoxville,  
20 Tennessee, due to the conditions of his release.

21          In July of 2015, Jackson's state supervision was relaxed.  
22 He immediately left Ohio for South Carolina. During the  
23 course of his conduct between the timeframe referenced in the  
24 Indictment, Jackson contacted MV1, and others, through social  
25 media and, among other things, attempted to persuade or entice

1 some of them to travel in interstate commerce to engage in  
2 sexual activity.

3 All or substantial portions of the aforementioned facts  
4 occurred in the Southern District of Ohio.

5 I have read the Statement of Facts and have carefully  
6 reviewed it with my attorney. I acknowledge that this is true  
7 and correct.

8 It's dated 4-19 of 2017, and it's signed by Cody Lee  
9 Jackson, the defendant.

10 It says, "I am Cody Lee Jackson's attorney. I have  
11 carefully reviewed the Statement of Facts with him," also  
12 signed on 4-19-2017 by Candace Crouse, attorney for  
13 Cody Lee Jackson.

14 THE COURT: Cody, looks like the same signature as on  
15 the Plea Agreement. Did you sign this document?

16 THE DEFENDANT: I did, Your Honor.

17 THE COURT: Did you sign it because it's accurate?

18 THE DEFENDANT: I did, Your Honor.

19 THE COURT: Is it wrong or incorrect in any way I  
20 need to know about at this time?

21 THE DEFENDANT: It is not, Your Honor.

22 THE COURT: Can I take it then that you're entering  
23 the plea of guilty to Count One of the Indictment because you  
24 did, in fact, commit that offense?

25 THE DEFENDANT: That's correct, Your Honor.

1           THE COURT:   Okay.   Based upon all the conversations  
2 we've been having about the import of the Plea Agreement and  
3 your constitutional rights, I'll ask you for the final time:  
4 How do you wish to plea to the charge in Count One of the  
5 Indictment, guilty or not guilty?

6           THE DEFENDANT:   Guilty, Your Honor.

7           THE COURT:   Based upon my observations of Cody in  
8 court today, the appearance and the manner in which he has  
9 been answering the questions that I've been asking him, I'm  
10 satisfied he's in full possession of his faculties, he's not  
11 suffering from any apparent physical or mental illness, he's  
12 clearly not under the influence of any type of medications,  
13 narcotics or alcohol, and he does understand these  
14 proceedings, as well as the nature and the meaning of the  
15 charge to which he is entering the plea of guilty, and he  
16 certainly understands the consequence of the plea of guilty  
17 based upon the plea negotiations undertaken on his behalf  
18 which have resulted in the Plea Agreement with the recommended  
19 sentence.

20          Therefore, I find that Cody is fully competent and capable  
21 of entering an informed plea.   The guilty plea is knowing,  
22 it's voluntary, and it's supported by an independent basis in  
23 fact which contains each of the essential elements of the  
24 offense charged, substantial portions of which have occurred  
25 in the Southern District of Ohio.

1           So at this time I'll accept the plea. I won't make a  
2 finding of guilty at this time because we have to get the PSI  
3 that I talked about. Okay?

4           THE DEFENDANT: Yes, sir.

5           THE COURT: I understand, and I think I've got this  
6 right, is we'll come back in front of me first, and then you  
7 will dispose, with your state lawyer, of the state charge.  
8 Correct?

9           MS. CROUSE: Yes, Your Honor.

10          THE COURT: Okay. Barring any unforeseen  
11 circumstances, that's exactly how it will work. You will  
12 remain in the custody of the Marshal Service until we've taken  
13 care of your case in front of me. PSIs usually take anywhere  
14 from four to six weeks. Obviously, there will be credit for  
15 time served and all that stuff. But I probably won't see you  
16 again for another month or month and a half, okay?

17          THE DEFENDANT: Yes, Your Honor.

18          THE COURT: Any questions or anything at this time?

19          THE DEFENDANT: No, Your Honor.

20          THE COURT: Counsel?

21          MS. CROUSE: No, Your Honor.

22          MR. WENKE: No, Judge.

23          THE COURT: Christy?

24          MS. MUNCY: No, Your Honor. Thank you.

25          THE COURT: Anything else, Barb?

1 COURTROOM DEPUTY: No, that's it.

2 THE COURT: All right. So we'll stand in recess at  
3 this time. We'll reconvene when the PSI is back.

4 As I indicated before, Cody, if your lawyers have any  
5 formal objections they wish to file to the presentence  
6 investigation, with your input of course, they'll file that  
7 and we will deal with those at or before the time of  
8 sentencing. Normally, unless it's really complicated, I do it  
9 immediately before we actually get into the sentencing phase.  
10 Okay?

11 THE DEFENDANT: Thank you, Your Honor.

12 THE COURT: Anything else?

13 MR. CLARK: That's it.

14 THE COURT: All right. We'll stand in recess.  
15 Thanks, everybody.

16 COURTROOM DEPUTY: Court is now adjourned.

17 (The proceedings concluded at 1:40 p.m.)

18

19 C E R T I F I C A T E

20

21 I CERTIFY THAT THE FOREGOING IS A CORRECT TRANSCRIPT FROM  
22 THE RECORD OF PROCEEDINGS IN THE ABOVE-ENTITLED MATTER.

23

24 S/MARYANN T. MAFFIA, RDR

25 Official Court Reporter